

## 8. Year 11 Subjects 2011 (Commerce)

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### VCE Legal Studies Units 1&2

#### *Introduction:*

VCE Legal Studies investigates the ways in which the law and the legal system relate to and serve individuals and the community. This knowledge is central to understanding the workings of contemporary Australian society.

Legal Studies examines the processes of law-making, dispute resolution and the administration of justice in Australia. Students develop an understanding of the impact of the legal system on the lives of citizens, and the implications of legal decisions and outcomes on Australian society. The study provides students with an appreciation of how individuals can be involved in decision-making within the legal system, encouraging civic engagement and helping them to become more informed and active citizens.

Students develop an understanding of the complexity of the law and the legal system and the challenges faced by our law-makers and dispute resolution bodies. They investigate the workings of the Australian legal system and undertake comparisons with international structures and procedures. Students are encouraged to question these systems and develop informed judgments about their effectiveness, as well as consider reforms to the law and the legal system.

Legal Studies also focuses on the development of skills. Students develop an ability to identify, collect and process information from a range of sources and engage in its interpretation and analysis. Skills for independent inquiry, critical thinking and legal reasoning to solve legal problems are also fostered. Students are required to apply legal reasoning and decision-making to contemporary cases and issues. They engage in analysis and evaluation of existing legal processes and form opinions about the operation of the legal system.

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### VCE Legal Studies Units 1&2 (Cont...)

#### Unit 1: Criminal law in action

##### *Areas of study:*

- Law in society - All societies have rules and laws that govern the behaviour of individuals and groups so that order is maintained and individual rights are protected. Students develop an understanding of the role of the law and the need for effective laws, as well as the concept that the law confers rights and responsibilities on members of society in their dealings with each other. Students investigate the difference between legal and non-legal rules through a consideration of who makes, interprets and enforces rules and to whom they apply. Students gain an understanding of the role of parliament and subordinate authorities in law-making, and the types of laws each creates.
- Criminal law - Criminal law regulates conduct in society in order to protect the community, as well as sanction those who commit crimes. Students develop an appreciation of the importance of criminal law by investigating its principles, types of crimes and their enforcement, and possible outcomes. Students consider a range of illustrative criminal cases to assist them in their understanding of different categories of crime and the related defences. Students investigate the individual's rights and responsibilities in dealing with the police. Students discuss the purposes of sanctions, the types of sanctions that may be imposed and sentencing trends and approaches. They compare one aspect of sentencing in Victoria with that of an international jurisdiction. Throughout this area of study students apply principles of criminal law to relevant cases and issues.
- The criminal courtroom - Criminal cases are heard across a number of courts in the Victorian court hierarchy and these are subject to specific processes and procedures. Students investigate procedures that are used prior to bringing a criminal case to trial, as well as the role and jurisdiction of the courts in hearing criminal cases. The adversarial nature of criminal courts is examined, as well as a consideration of the role and operation of juries in criminal cases. Students focus on the concept of a fair trial or hearing and the rights in criminal proceedings protected by the Victorian Charter of Rights and Responsibilities. Students discuss the extent to which features of the criminal justice system contribute to the achievement of justice.

##### *Assessment:*

- Outcome 1 - Students should be able to explain the need for effective laws and describe the main sources and types of law in society.
- Outcome 2 - Students should be able to explain the key principles and types of criminal law, apply the key principles to relevant cases, and discuss the impact of criminal activity on the individual and society.
- Outcome 3 - Students should be able to describe the processes for the resolution of criminal cases, and discuss the capacity of these processes to achieve justice.

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### VCE Legal Studies Units 1&2 (Cont...)

#### *Assessment Break-Down:*

Assessment tasks for this unit can be chosen from a variety of assessment tasks including and an end of semester examination and one or more of:

- structured assignment
- essay
- mock court or role-play
- folio and report
- case study
- test
- report (written, visual, oral or multimedia).

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### VCE Legal Studies Units 1&2 (Cont...)

#### Unit 2: Issues in Civil Law

##### *Areas of study:*

- Civil law - Civil law protects the rights of individuals, groups and organisations in society. Such rights establish responsibilities regarding conduct. Students gain an insight into the importance of civil law in their lives and learn to distinguish between civil and criminal law. They also examine how a situation can result in both criminal and civil action. Students develop an understanding of the process of lawmaking by judges and courts through the operation of the doctrine of precedent and through statutory interpretation. They explore torts and their related defences. Throughout this area of study students apply civil law principles to relevant cases and issues.
- The civil law in action - When an individual, a group or an organisation feels that their civil rights have been infringed, they may seek a resolution to the problem. Students investigate the role and operation of dispute resolution bodies and the methods employed in resolving civil disputes. For those disputes that proceed to court, students examine the purpose and operation of civil pre-trial procedures and the adversarial nature of a civil trial, and evaluate the methods of dispute resolution. Students investigate available remedies and examine their effectiveness. They consider the difficulties faced by parties when attempting to resolve disputes.
- The law in focus Civil law protects a wide range of rights that exists between parties. The extent and principles of civil rights and responsibilities need to develop along with changes in society, and this creates issues for the law. Students undertake a detailed investigation of a specific area of the law.
- A question of rights - Individuals can make an impact on the legal system in a number of ways, one of which is the pursuit of cases through the courts. In this area of study students examine an instance where an individual or group has suffered an abuse of their rights and sought redress through the court system. Students investigate an Australian case and develop an understanding of ways in which individuals can shape the law, and examine instances of people being empowered by the legal system. Students discuss the impact of this case on the legal system and the rights of individuals.

##### *Assessment:*

- Outcome 1 - Students should be able to explain the principles of civil law, law-making by courts, and elements of torts, and apply these to relevant cases.
- Outcome 2 - Students should be able to explain and evaluate the processes for the resolution of civil disputes.
- Outcome 3 - Students should be able to explain one or more area/s of civil law, and discuss the legal system's capacity to respond to issues and disputes related to the selected area/s of law.
- Outcome 4 - Students should be able to describe an Australian case illustrating rights issues, and discuss the impact of the case on the legal system and the rights of individuals.

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### VCE Legal Studies Units 1&2 (Cont...)

#### Unit 2: Issues in Civil Law (Cont...)

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